

**Minutes
State Board of Social Services
August 17-18, 2005**

**Portsmouth Department of Social Services
1701 High Street
Portsmouth, Virginia 23704**

Members Present

Julie Christopher, Chair
Danny Brown, Vice Chair
Nettie Simon-Owens
Marilyn Rigby
William Mitchell
Maggie Luca
Bela Sood
Trudy Brisendine
Peppy Linden

Call to Order

The meeting of the VA State Board of Social Services was called to order at 9:00 a.m., Chairman Christopher presiding.

Welcome & Introductions

Chairman Christopher welcomed new members Peppy Linden, Bela Sood, and Trudy Brisendine.

Usha Koduru, Assistant Attorney General substituted for Al Wilson.

Susan Hackney, member of the Child Day Care Council was recognized and thanked for attending the Board meeting.

Rusty Jordan, Director of Portsmouth Dept. of Social Services welcomed Board members to Portsmouth and provided an overview of the department's Strategic Plan, its vision, goals and leadership philosophy.

Members were invited to attend a reception at the Children's Museum tonight.

Local directors were welcomed and introduced.

Agenda Review

Chairman Christopher announced changes to the agenda. The committee of the whole will meet prior to individual breakout committee meetings.

Item #4 was dropped from the agenda and was not presented at this meeting.

Secretary Jane Woods was scheduled to be in attendance at 11:30 a.m. Committee meetings not completed prior to this time will reconvene as a whole and then resume their meetings following the Secretary's remarks.

Regulatory Review

Mr. Martin advised that as of August 16, Department of Social Services has 62 regulations in place. 34 of the 62 are currently in process.

Of those 62, 13 are in the process of being repealed
Of those 62, 12 are in the process of being amended
9 additional new regulations are in the process of being promulgated

That totals 71 regulations and proposed regulations.

Mr. Martin advised there is one regulatory action currently in Public comment:
22 VAC 40-740, Adult Protective Services, Public comment on proposed amendments will end on August 26, 2005.

During orientation, members asked staff how they should handle a regulation that has substantive changes made to it. Mr. Martin reminded members they could craft the wording, or as a body, make a policy decision to bring action to the Board with a letter of assurance that they have not exceeded authority or ask the AG representative and Mr. Martin to craft wording on their behalf.

Committee of the Whole

Carolynne Stevens, Director of Licensing Programs reviewed proposed regulation 22 VAC 40-80-General Procedures and Information for Licensure.

Children's Committee

Marilyn Rigby, Chair met with this committee to discuss regulations. A report is located under the regulation listed in these minutes.

Adult Committee

Nettie Simon-Owens, Chair met with this committee to discuss regulations. A report is located under the regulation listed in these minutes.

Secretary Comments

Health and Human Resources Secretary Jane H. Woods welcomed the new members to the Board and thanked each member for their dedication and hard work in addressing aging issues, including providing options for citizens to age within their communities.

About 15 years ago, in response to a 1990 JLARC report, I was part of a study group of legislators and key personnel from several agencies that laid the initial plans for expanding the role of this industry in caring for Virginia's vulnerable adults in non-medical settings. Even then:

- We were aware that the Commonwealth was aging;
- We were concerned that health care costs were rising rapidly;
- We were aware that the industry was admitting and retaining residents with more diverse and more serious health and mental health care needs;
- And, we were keenly aware that people much prefer non-institutional settings that can preserve their connectedness to families and communities.

I don't think, though, that we realized how much and how fast things would change as a result of the subsequent three-year effort by a huge taskforce that gave rise to the enabling legislation and the initial regulations:

- The advances in medical technology and pharmaceuticals made it possible for people to spend even less time in hospitals and nursing homes – and led to corresponding increases in challenges for the assisted living industry;
- The quickening pace of deinstitutionalization from our mental health system made similar new demands on the assisted living industry as more seriously impaired patients were placed in ALFs;
- Life extension – from the medical professions and from the emphasis on healthier life-styles – also challenged families and the assisted living industry to care for increasing numbers of adults who developed Alzheimer's and other progressive dementias.
 - a. Most of us in this room have a pretty good chance of living to age 85, by which age about half of us will have acquired one of the dementias unless researchers make the break-through they are urgently pursuing. Nationally, in 2000, the average age of residents in assisted living was 80.
 - b. Actually, the only significant changes made to the ALF regulations before today were to improve the safety and care for residents with some degree of dementia.
 - c. Additionally, the Department has partnered for several years with the Alzheimer's Association to offer training for providers to care for this population.

For all the good efforts and good intentions, though, we needed to do more. It was clear that the industry was in need of stronger regulations – both to protect the increasingly health-impaired people in care and to protect the industry itself.

- As incidents of preventable injuries and harm increased so did media reports that began to shake consumer confidence and we became aware of more lawsuits by families as well.

- I think the legislation the 2005 General Assembly enacted – without a single dissenting vote – arose first from a deep and abiding concern for residents . . . but also from a concern that, without action, the industry itself could be damaged and its many good services overshadowed in the eyes of consumers, lenders, workers, and the whole array of stakeholders it takes to sustain the industry.
- I have carefully read the regulations presented to you to implement that law, and I believe they are completely on target with the intent of the Assembly and the many groups I worked with during the Session to craft a consensus bill that would address fundamental weaknesses in the laws and regulations to keep safe the consumers and the industry that has emerged to serve them.

This is not to say that the work is over. It has really only begun, but with a stronger framework that will fortify key facility management functions and resident services as well as the regulatory oversight of the industry as we move into a period of even more intense growth and change.

Important needs lie beyond the immediate control of the Board and the Department, but I urge you to take a leadership role in those areas as well. Two examples come immediately to mind:

- First, workforce development for this and all the human care industries is an urgent issue because the age-band from which caregivers come is shrinking while the need is growing, especially in adult care.
 - a. This is demanding and stressful work that doesn't pay well enough for the contributions they make. Neither do they get the social esteem they deserve.
 - b. It is work that requires more than knowledge and skill – it also requires sensitivity and compassionate affection. Not everybody who answers an ad is temperamentally suited and we must face that fact . . . and do more to develop, attract, inspire, and retain only those people who have the emotional strength and integrity to serve well.
 - c. I think this is an area where the industry alone cannot be expected to make the necessary progress. We need to develop partnerships with the wide array of societal and educational systems to promote the development of a solid labor pool for now and the years ahead.
- Second, it's always about money and where we spend it, isn't it? Governor Warner acknowledged that the \$50/month increase in the Auxiliary Grant rate was "a beginning," and we all know that the current rate is still well below the private sector average, limiting the choices and services available to these residents and the facilities that primarily serve them.
 - a. No society can thrive – or even deserves to thrive – unless it invests in nurturing its people across the life span.

- b. In the final analysis, the only capital any society has is its human capital. We waste any of our human capital at our economic and moral peril.
- c. As our young children are the hope for Virginia's future, our vulnerable adults are the reservoir of our history and the symbol of our opportunity to reach into the deepest spirit of our humanity.

I know you believe, as I do, that behind all the words – all the legalistic phrases, and all the checked-and-balanced processes that constitute the laws and regulations that command our intellectual attention – are over 34,000 real human beings and all their family members, friends, and care-givers who love them. They look to us to do all that we can to set in motion the systems and services that will make every day a good day and every tomorrow even better.

So, today, I really came to celebrate this part of the journey with you. I came to thank you for playing such a vital role – both today and beyond – in helping to assure that we can look to our future with renewed commitment to the quality of life for every human being who lives in, works in, or has a loved one in assisted living.

Public Comment

Carter Harrison spoke on Assisted Living Facility emergency regulations. Members were requested to adopt 10 recommended revisions to the proposed ALF emergency regulations 22 VAC 40-71 prior to taking action at the meeting. The recommended revisions represented a consensus of a number of consumer and provider organizations that have been working collaboratively on this legislative and regulatory process over the past year.

He stated that because a copy of the proposed emergency regulation did not become available until early August, this is the first opportunity for the organizations to review the language and to have effective input into the process.

Mr. Harrison stated that although it is their general belief that the majority of the provisions in the regulations meet the spirit of the recently passed legislation, they are concerned that there are several provisions that are overreaching, over burdensome and do not advance resident quality. Accordingly, they request that the Board give serious consideration to these recommended revisions and incorporate such revisions in the emergency regulations that are to be considered for adoption at this meeting.

Mr. Harrison advised that the amendments to section 22 FAC 40-71-120 F and G, First Aid Qualifications and Supplies, are confusing and require additional revisions to ensure they are clearly understood by Virginia's assisted living providers. Therefore, if the Board adopts these two provisions in the emergency regulations, they would appreciate the Board's support in revising these sections in the replacement regulation to ensure the requirements are clearly understood by all providers.

In closing and on behalf of the Virginia Association of Area Agencies on Aging; Virginia Chapters of the Alzheimer's Association; Virginia Health Care Association; Virginia Association of Non-Profit Homes for the Aging; Virginia Assisted Living Association; Northern Virginia Aging Network The Consumer Consortium on Assisted Living; and the Office of the State Long-Term Care Ombudsman, he strongly urged the Board to incorporate these revisions in the Emergency regulations. Their organizations look forward to working with the Board and the staff of DSS in ensuring that the comprehensive regulations that will be subject to additional review and comment meet the intent of the legislation and provide adequate assurance for quality of care for residents while not being overly burdensome to the assisted living community in the Commonwealth. (A copy of the suggested revisions is attached to the official minutes located in the home office.)

Robert Williams from Roanoke spoke on ALF regulations. He asked that the State Board review these regulations carefully and don't agree to them because state staff asked them to do so.

He advised these regulations do not rise to an emergency regulation—they were expanded so far they went above emergency. He stated there are two types of ALFs in Virginia—private pay and auxiliary grants (currently \$944/month). He reminded Board members that every regulation they pass cost dollars. These additional costs will put ALFs out of business. The regulation states that staff must be hired to oversee residents while they sleep—this will shut down many ALFs because of the financial impact.

He mentioned a case in Texas where homes under 100 beds were closed because of excess regulations and lack of funds. He doesn't want to see this happen in Virginia. Where will these residents go if homes are forced to close?

He advised it is the Board's function to set the AG rate and they were asked to reconsider this. Members were asked again to rethink the emergency regulations and not approve them.

Teri Jo Rothmeier advised she owns an ALF with this being her twentieth year of being licensed to house 12 residents. Her residents take care of themselves. They consider her home their home. They have their own pets and all together live as one family. She hasn't had any problems in the past and sleeps when they sleep at night. There are not enough funds to hire staff to remain awake at night to see over residents that are asleep. She advised there are monitors in each of her resident's rooms so she can hear them during the night. She will be put out of business if this regulation passes. Who will come and say to these people "you have to leave because we can't afford to hire a person to stay awake to watch over you while you sleep"?

Roy Bryant stated that we are all aging and will be somewhere sometime so he was going to speak to members as an African American. He said he had spoken to Boards in the past without any success and hoped this Board would be different. He has spoken before the General Assembly on the administrator issue. He advised that no one has spoken to the fiscal impact on these residences. These businesses started out as Adult Homes and have been renamed over time at the state level. They were not given the option of keeping their existing name. He stated that Adult Homes are best for aged people and he is a missionary for the poor. He felt we are doing everything that is required at the higher spectrum homes. He felt something is being hidden and advised he will be writing to the feds to investigate what is going on in Virginia. The state is putting people out of business that have been operating for 30 years. He doesn't agree the state should be telling homes to find and collect additional funds—providers are subsidizing the State.

Shirley Brooks advised she is in favor of the small home. Her daughter operates one such business. Her residents feel like her own family. It is difficult to keep residents on the existing AG rate and she will be forced to close down if the additional regulation of hiring night staff to watch over sleeping residents passes.

Sue Rowland –Virginia Association of Area Agencies of Aging spoke on the ALF regulation. She advised they understood what CODE wants to achieve. They agree several of the provisions are overreaching and burdensome.

She advised the Board's role in the AG rate is not direct but Board support to assist in raising this rate is very much appreciated.

Irvin Land from Virginia Beach spoke on the ALF regulations. He advised he conducts DSS-approved administrator training. He has visited all types of facilities from best to worst over the last several years. He advised that the vast amount of providers is doing the right thing for the elderly and only a few of the homes need to be closed.

The requirement for direct care staff training raised from 12 to 16 hours cost 1 million dollars per year. He is not against training; but felt we need to be realistic as well.

If a CNA needs only 12 hours, why does the social model need more?

He stated it should be 16 hours of training for non certified staff and remain 12 for all others.

He thanked Judy McGreal and staff for their assistance on the statewide task force.

Claudette Jones spoke on changes to ALF regulations. She advised she and her brother have taken over a business started by her mother over twenty years ago. They are the only facility in Franklin that is taking AG residents and spoke of the difficulty of managing on the current rate.

She asked the Board for support in raising the rate and to consider smaller homes can't afford to do what large homes can do.

They don't mind changes at the state level, but please add dollars to the rate to ensure these changes can be made without putting a home out of business.

VLSSE Update

Ben Owen, League President welcomed new members to the Board and encouraged them to call upon the League whenever they have a question. Members were invited to the next League Conference to be held in Arlington November 8, 9, and 10. Information will be provided to members in the near future.

He advised the Board would be briefed on IP-PPA on August 18th, and said that locals were heavily invested in this. The League appreciates the opportunity to provide input.

He advised the League's Legislative Agenda was being edited, and would be provided to members as soon as available.

Commissioner Comments

Commissioner Conyers stated he looks forward to opportunities to meet with and provide information to the Board.

HRM Training Update- This manual was approved by the Board in April and became effective July 1. VISSTA trained in five locations with 200 staff trained. He was pleased to report that training had been well-received with rating scores above 4 on a 5 scale.

Business Process Reengineering- He advised it is our future to help define how we do human services in Virginia. He mentioned upcoming meetings to explain the process and advised members will be provided a schedule. It is his hope they can attend a meeting in their respective areas. Chairman Christopher also spoke briefly about the role of community action agencies as partners of social services and reminded members they would learn more about the agencies later in the meeting.

He introduced Dr. Wallace "Bo" Harris as the newly hired Chief Operations Officer for the VDSS. Mr. Harris comes to the department with over thirty-three years of experience.

Action Items

**22 VAC 40-221, Interstate Compact on the Placement of Children
Notice of Intended Regulatory Action**

The purpose of this regulatory action is to promulgate regulations which will be used as authority for judges, licensed child placing agencies and other interested parties when addressing issues related to children who are placed across state lines for foster care or adoption.

ON MOTION DULY MADE (Marilyn Rigby) moved that the Children's Committee as a whole approved the Notice of Intended Regulation Action package to establish 22 VAC 40-221-10 et seq., Interstate Compact on the Placement of Children for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

**22 VAC 40-201-10, Permanency Services-Prevention, Foster Care Adoption and
Independent Living**

Withdraw Approval of Proposed Regulation and Repeal of Existing Regulations

During the executive review of the proposed regulation, it was decided to request a withdrawal of the State Board's approval for publication in order to allow additional time to appropriately address policy concerns and ensure the regulation addresses requirements in the revised Program Improvement Plan.

ON MOTION DULY MADE (Marilyn Rigby) and seconded (Nettie Simon-Owens) moved to withdraw the proposed action to publish 22 VAC 40-201, and repeal 22 VAC 40-200, 22 VAC 40-210, 22 VAC 40-240, 22 VAC 40-250, 22 VAC 40-260, 22 VAC 40-280, and 22 VAC 40-800. Motion carried with all in favor.

**22 VAC 40-745, Assessment in Assisted Living Facilities
Revised Final Regulation**

This regulation has been revised to incorporate this year's legislative changes.

ON MOTION DULY MADE (Nettie Simon-Owens) moved that the Adult Committee as a whole approved to withdraw the December 17, 2004 action approval final adoption of 22 VAC 40-745, Assessment in Assisted Living Facilities, and approve the final regulatory package to amend 22 VAC 40-745 for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

The committee requested Vicki Johnson Scott do a presentation on the UAI at the October meeting.

Item #4 22 VAC 40-705, Child Protective Services, proposed regulations was removed from the agenda prior to meeting.

22 VAC 40-730, Investigation of Child Abuse and Neglect in Out-of-Family Complaints
Exempt Final Adoption

Following State Board approval on June 15, 2005, counsel for the Virginia Code Commission, reviewing the regulation for the Registrar, determined that the definitions for “gross negligence” and “willful misconduct” should not be included in the regulation. The regulation presented has been revised to make this change.

ON MOTION DULY MADE (Marilyn Rigby) moved that the Children’s Committee as a whole approved the exempt final regulatory package for publication in the Virginia Register subject to approval under the provisions of Executive Order 21 (2002) and the Administration Process Act. Motion carried with all in favor.

22 VAC 40-880, Child Support Enforcement Program
Proposed Amended Regulation

The amended regulation accurately reflects the current mandates of the child support enforcement program. The proposed changes are necessary to incorporate the 2003 and 2004 Code of Virginia amendments and to amplify selected sections to ensure global comprehension.

ON MOTION DULY MADE (Nettie Simon-Owens) moved that the Adult Committee approved the proposed regulatory package to amend 22 VAC 40-880, Child Support Enforcement for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

Ms. Cynthia Holdren was thanked for providing an outstanding presentation to committee.

22 VAC 40-130, Minimum Standards for Licensed Private Child-Placing Agencies
Proposed Amended Regulation

The proposed changes incorporate new federal and state requirements and add three parts reflecting new services agencies may provide, and clarify requirements.

Ms. Wenda Singer provided an overview for members. Ms. Rigby thanked Ms. Singer for the well-organized briefing booklet and presentation before her committee.

Ms. Rigby acknowledged that additional funding could be channeled into this program.

ON MOTION DULY MADE (Marilyn Rigby) moved that the Children’s Committee approved the proposed regulatory package to amend 22 VAC 40-130, Minimum Standards for Licensed Private Child-Placing Agencies for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

**22 VAC 40-80, General Procedures and Information for Licensure
Emergency**

This regulation action adds additional items to the list of documents that must be posted in a facility; adds additional administrative sanctions that the Commissioner may impose upon licensed facilities when they fail to maintain compliance with regulations or laws; and adds a new section that provides procedures for summary orders of suspension.

ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Marilyn Rigby) moved to approve the Emergency Regulation 22 VAC 40-80, General Procedures and Information for Licensure for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

**22 VAC 40-80, General Procedures and Information for Licensure
Proposed Amended Regulation**

This action will amend and replace the emergency regulation. The proposed changes add additional items to the list of documents that must be posted in a facility, additional administrative sanctions that the Commissioner may impose upon licensed facilities when they fail to maintain compliance with regulations or laws; and add a new section that provides procedures for summary orders of suspension. Additional amendments are made for clarification and to remove unnecessary detail.

ON MOTION DULY MADE (Billy Mitchell) and seconded (Nettie Simon-Owens) moved to approve the proposed regulatory package to amend 22 VAC 40-80, General Procedures and Information for Licensure for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

**22 VAC 40-71, Standards and Regulations for Assisted Living Facilities
Emergency**

The Board entertained a motion to send a letter of support to increase the AG rate to \$1200 per month.

ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Peppy Linden) moved to have the Chairman send a letter of support to the appropriate person recommending the AG rate be raised to \$1200 per month. Motion carried with all in favor.

Board reviewed Carter Harrison's list of 10 recommendations:

Recommendation #1 page 18 item 2 Moving exception to 5-day requirement section
Upon Board consensus, the Board agreed to leave this as proposed by the department.

Recommendation #2 page 20 item P Range, frequency and number of activities
ON MOTION DULY MADE (Danny Brown) and seconded (Marilyn Rigby) moved to insert the word “categories” after the word “range” and delete everything after the word “residents”. Motion carried with all in favor.

Recommendation #3 page 20 item Q Eliminating working job title
ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Bela Sood) with approval from the Attorney General Representative, moved to strike “working job title” and insert “functions”. Motion carried with all in favor.

Recommendation #4 Page 20 item R Contractor disclosure
ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Billy Mitchell) moved to approve striking the current language and replacing it with “indications to residents and, if used, provide names of contractors upon request”. The guidance of the department in developing would define essential services to include staffing pharmacy healthcare and food services. Motion carried with all in favor.

Recommendation #5 Page 20 item B Written Acknowledgement
ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Bela Sood) moved to replace item B with “if a prospective resident is admitted to the facility, written acknowledgement of the receipt of the disclosure by the resident or his legal representation shall be retained in his record”. Motion carried with all in favor.

Recommendation #6 Page 24 item K Medication Administration
ON MOTION DULY MADE (Danny Brown) and seconded (Billy Mitchell) moved to delete the word “on site” and include” employed full time”. Motion carried with all in favor.

Recommendation #7 Page 29 Designated staff person in charge
ON MOTION DULY MADE (Billy Mitchell) and seconded (Marilyn Rigby) moved to approve the change. Motion withdrawn and restated.

ON MOTION DULY MADE (Billy Mitchell) and seconded (Marilyn Rigby) moved to approve the changes amending item B to read “Prior to being placed in charge, the staff member shall be informed of and receive training on his duties and responsibilities, and be provided a written documentation of such duties and responsibilities”. Motion carried with all in favor.

Recommendation #8 Page 48 item 2 written medication management plan
The Board did not approve the recommendations presented in this section of Mr. Carter’s list.

Recommendation #9 Page 50 item E 1-5 Physicians orders charted

ON MOTION DULY MADE (Billy Mitchell) and seconded (Nettie Simon-Owens) moved to approve eliminating items 2-5 with the new item E reading "Physicians oral orders shall be charted by the individual who takes the order. That individual must be a licensed health care professional acting within the scope of his profession or an individual who has successfully completed the medication training program developed by the Department and approved by the Board of Nursing. Motion carried with all in favor.

Recommendation #10 Page 64 item H Training requirements

ON MOTION DULY MADE (Danny Brown) and seconded (Nettie Simon-Owens) moved to provide an exception to the 16 hour training requirement to 12 hours for direct care staff who are licensed health care professionals or certified nurse aides. Motion carried with all in favor.

ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Bela Sood) moved to approve 22 VAC 40-71, Standards and Regulations for Assisted Living Facilities Emergency Regulation with the changes that were approved by the Board today with a new Letter of Assurance from the Office of the Attorney General. Motion carried with all in favor.

Marilyn Rigby raised the question of how many homes will be affected by the changes and what happens to the customers in those homes. Chairman Christopher advised that it is approximately 23% of the individuals in ALFs that will be affected. Ms. Rigby and Mr. Brown both were concerned over the human piece of the equation and asked if waivers were an option. Ms. Stevens advised that any provider can seek a waiver. Ms. Rigby said she doesn't want to put anyone out of business; but she wants to hear and see numbers of affected residences/people. To date, she has not seen any data with regard to these numbers. Ms. Stevens will provide this data to the Board at a future meeting.

**22 VACS 40-72 Standards and Regulations for Licensed Assisted Living Facilities
Proposed New Regulation**

The new regulation will replace emergency regulations. Additionally, the new regulation adds requirements for care and services to residents; staff qualifications; training; and responsibilities; management of the facility; physical plant features; coordination with mental health systems; disclosure of information and emergency preparedness.

ON MOTION DULY MADE (Trudy Brizendine) and seconded (Bela Sood) moved to direct staff to incorporate changes within the emergency regulation to the proposed regulation. Motion carried with all in favor.

ON MOTION DULY MADE (Maggie Luca) and seconded (Trudy Brisendine) moved to approve the proposed regulatory package to establish 22 VAC 40-80, Standards for Licensed Assisted Living Facilities and the repeal of 22 VAC 40-71, Standards and Regulations for Assisted Living Facilities for publication in the Virginia Register and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

Civil Penalties for Assisted Living Facilities

Approve Implementation Process

Licensing enforcement provisions were amended by the 2005 General Assembly to increase the maximum civil penalty for Assisted Living Facilities from \$500 per inspection to \$10,000 in a 24-month period. Section 63.2-1709, 2, B, 4 also directed the State Board of Social Services to develop criteria for imposition and amounts, in ranges, based on four variables included in the legislation. The report describes the Division of Licensing Programs proposal to implement this provision, building on existing practices, and how they propose to refine the approach as the licensing information system is enhanced.

ON MOTION DULY MADE (Danny Brown) and seconded (Nettie Simon-Owens) moved to approve the proposed criteria and concepts and the implementation method, which includes use of a professional review panel to develop recommendations that will require concurrence by the division director and Commissioner; endorse the concept of including, and continuing to refine, a point system as a decision support tool; and approve the date to implement this process to coincide with the effective date of the ALF emergency regulation, thus allowing time to flesh out procedures, train staffs, orient providers, and initiate testing and refinement methods. Motion carried with all in favor.

Thursday, August 18, 2005

Presentation

Gordon Ragland, Director of Henrico Social Services and Ray Goodwin, VDSS provided an update on Public Private Education Infrastructure Act (PPEA) Proposals.

Robert “Buz” Cox, Charlottesville Social Services, and Dottie Wells, Manager of the Child Care Unit, provided an update on the Business Process Reengineering (BPR) Plan.

Business Process Reengineering is a method for optimizing processes by eliminating redundancy and duplication, assuring that every remaining process adds value to the end product. BPR seeks radical change and dramatic improvement in performance, quality and cost.

Copies of these presentations are attached to the Official Minutes located in the Home Office. Members were provided a schedule of future meetings in their respective areas and encouraged them to attend.

Cynthia Martin, Director, Arlington Community Action Agency; Edith Jones, Director of STOP; and Robert Ayers, Executive Director, Office of Human Affairs provided an overview of Community Action Agencies (CAA) and the wide variety of services they provide. The community action movement was initiated as part of President Lyndon Johnson's War on Poverty in 1964 and spawned other anti-poverty initiatives such as Head Start, Legal Aid Offices, and the Foster Grand-parenting Program.

Virginia Community Action Partnership is the statewide membership association for Virginia's Community Action agencies. While each agency focuses on local needs and reflects the uniqueness of the locality it serves, each is part of this network, coming together on common issues and sharing ideas, experiences and success strategies. The agencies work together with a common vision-to fight poverty and build self-sufficiency, for families and communities across the Commonwealth. CAA's serve many of the same families as social services, often providing one-on-one follow-up to assist families to meet the goals jointly established by the families and case workers. Federal funding through the Community Services Block Grant (CSBG) provides baseline funding to the agencies through the state. Agencies also receive state appropriations from the General Fund and from state agency grants. In exchange for the funds the local agencies provide quarterly reports reflecting clients' success in meeting performance outcomes. CAA's also partner with businesses, churches, schools, food banks, housing authorities and other local agencies at the grassroots level to increase their outreach. Copies of the three presentations are housed with the Minutes located in the Home Office.

Proposed 2006 Legislation

Mr. Martin provided the following information:

Proposal: Increase the efficiency of TANF through a performance-based budget model, expanded work activities and increased flexibility with diversionary assistance payments.
Budget Impact: \$274,939 annual savings in federal TANF block grant funds.

Proposal: Change the screening criteria for criminal background investigations for employees and certain volunteers at children's residential facilities.
Budget Impact: No impact.

Proposal: Require employers to prorate child support withheld from wages among all custodial parents when there are multiple cases.
Budget Impact: No impact.

Proposal: Create consistency in enforcement and sanctions for all licensed day and residential facilities.
Budget Impact: \$316,000 increased in non-general fund income.

Proposal: Criminalize payment of a child support obligation with a bad check, and allow prosecution the first time such a check is written.

Budget Impact: No impact.

Proposal: Establish the Virginia Commission on National and Community Service as an executive branch commission.

Budget Impact: No impact.

Proposal: By statute establish a Family Assistance Center to facilitate the effective and efficient delivery of services to victims and families following a mass casualty incident.

Budget Impact: To be determined.

Minutes

ON MOTION DULY MADE (Nettie Simon-Owens) and seconded (Marilyn Rigby) moved to approve the Minutes from the June 2005 Board Meeting as presented. Motion carried with all in favor.

Future Meetings

Board Retreat in Richmond	September 29-30
Board meets in Warrenton	October 19-20
Board meets in Chesterfield/Col. Heights	December 14-15

Unfinished Business

Board Retreat-to be held on September 29 and 30 at Capital One facilities at West Creek. The Retreat will begin at 9:00 a.m. each day and finish up around noon on the 30th.

Marge M. Connelly, Executive Vice President –Corporate Reputation & Governance at Capital One has volunteered her services as facilitator.

Richard Martin advised that his assistant, Karin Clark, has updated the booklet entitled A summary of the Principal Powers, Duties, and Responsibilities of the State Board of Social Services as set forth in the Code of Virginia. This has been reviewed and approved by OAG representative Al Wilson.

Chairman Christopher thanked Pat Rengnerth for her assistance in compiling a new Orientation Manual. If members have suggestions for future orientation programs, please advise, as these changes will benefit the Board.

New Business

None

Committee Reports

Trudy Brisendine, provided insight to legislation approved this year that would change the burden of proof needed to determine a finding of abuse or neglect on school employees named in a CPS complaint.

ON MOTION DULY MADE (Trudy Brisendine) and seconded (Nettie Simon-Owens) moved that the State Board of Social Services request the CPS Out of Family Advisory Group study for a period of one year, the impact of changes resulting from 22 VAC 40-730, and to report these findings to the State Board at the August 2006 meeting. Motion carried with all in favor.

Ms. Christopher will send a letter to the CPS OOF Chair, Maria Timoney, introducing Trudy Brisendine as the newly appointed Board Liaison to their group.

Ms. Christopher advised that she and Nettie Simon-Owens will continue to serve as liaisons on the ALF Committee.

Ms. Christopher will continue to serve on the VA Early Learning Council and liaison to the Child Day Care Council.

Ms. Christopher thanked Nettie Simon-Owens and Marilyn Rigby for their continued service as Chairs of their respective Committees (Adult and Children).

Ms. Rigby felt it would be helpful to look at the roles of each of the committees during the retreat.

Ms. Luca requested a CPS Fatality Report be given at the October meeting.

There will be a Child Day Care Council meeting on September 8; due to Ms. Christopher's mother being ill, she may not be able to attend.

Board Comments

Maggie Luca thanked Portsmouth Social Services for the opportunity to get to know the area and for their presentation on dreams and goals. She thanked the Chair and members for a productive meeting and looks forward to returning to Portsmouth.

Trudy Brisendine thanked Portsmouth for their warm reception and the opportunity to see the area.

Bela Sood felt very engaged during this meeting and thanked the Commissioner for allowing her to contribute. She thanked Portsmouth Social Services for their hospitality.

Nettie Simon-Owens thanked Rusty Jordan and staff for their hospitality. She thanked Richard Martin and Pat Rengnerth for an exceptional job. She also stated she appreciated the presence of the Commissioner and Secretary Woods.

In conclusion, she thanked Julie Christopher for a good meeting and welcomed new members.

Marilyn Rigby thanked Rusty Jordan and staff for the welcome. Thanks to Richard Martin, Pat Rengnerth, and Julie Christopher for a good meeting. She said she was appreciative of having the "Regulation Chart" attached to each regulation now. It is very helpful.

Billy Mitchell expressed his thanks to Portsmouth and echoed other member's comments. In closing, he wished everyone an enjoyable remainder of summer.

Peppy Linden thanked Portsmouth and staff for their support, the interesting Orientation and said she also shared Ms. Brisendine's concern over involvement in processes. She said there is a great level of expertise with the Board members and staff and she was humbled by participation.

Julie Christopher thanked Rusty Jordan for hosting this meeting. She thanked Pat Rengnerth and Karin Clark and Richard Martin for their efforts to make Orientation more meaningful. She thanked Marilyn and Nettie for agreeing to continue as chairs of their respective committees. She thanked the Commissioner for his relationship with the Board and to Bo Harris for his attendance. Special thanks to Reggie for transporting members to and from meeting/hotel.

ON MOTION DULY MADE (Danny Brown) and seconded, the meeting adjourned at 11:45 a.m.

Respectfully submitted by Pat Rengnerth
Approved October 2005